

**Box No. VIII (iii) DECLARATION: ENTITLEMENT TO CLAIM PRIORITY**

The declaration must conform to the standardized wording provided for in Section 213; see Notes to Boxes Nos. VIII, VIII (i) to (iv) (in general) and the specific Notes to Box No. VIII (iii). If this Box is not used, this sheet should not be included in the request.

Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 31bis.1(a)(iii)):

in relation to this international application,

EXFO Electro-Optical Engineering Inc. is entitled to claim priority of earlier application

No. 60/511,105

by virtue of the following:

an assignment from

RUCHET, Bernard, 448 80e rue est, Charlesbourg, Quebec, Canada G1H 7G4

to EXFO Electro-Optical Engineering Inc, dated August 16, 2004

This Declaration is made for the purposes of all designations.

This declaration is continued on the following sheet, "Continuation of Box No. VIII (iii)".

Sheet No. 5

**Box No. VIII (iv) DECLARATION: INVENTORSHIP** (only for the purposes of the designation of the United States of America)  
 The declaration must conform to the following standardized wording provided for in Section 214, see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (iv). If this Box is not used, this sheet should not be included in the request.

**Declaration of inventorship (Rules 4.17(iv) and 51bis.1(a)(iv))  
 for the purposes of the designation of the United States of America:**

I hereby declare that I am the original, first and sole (if only one inventor is listed below) or joint (if more than one inventor is listed below) inventor of the subject matter which is claimed and for which a patent is sought.

This declaration is directed to the international application of which it forms a part (if filing declaration with application).

This declaration is directed to international application No. PCT..... (if furnishing declaration pursuant to Rule 26ter).

I hereby declare that my residence, mailing address, and citizenship are as stated next to my name

I hereby state that I have reviewed and understand the contents of the above-identified international application, including the claims of said application. I have identified in the request of said application, in compliance with PCT Rule 4.10, any claim to foreign priority, and I have identified below, under the heading "Prior Applications," by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed

Prior Applications: .....

I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the PCT international filing date of the continuation-in-part application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name RUCHET, Bernard .....

Residence Charlesbourg, Canada .....

(city and either US state, if applicable, or country)

Mailing Address: 448 80e rue est .....

Charlesbourg, Quebec, Canada G1H 7G4 .....

Citizenship Swiss .....

Inventor's Signature .....

(if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

Date: 2004-08-17 .....

(of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

Name: .....

Residence: .....

(city and either US state, if applicable, or country)

Mailing Address: .....

Citizenship: .....

Inventor's Signature .....

(if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

Date: .....

(of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

This declaration is continued on the following sheet, 'Continuation of Box No. VIII (iv)'

PCT

Rec'd PCT/PTO 10 JUN 2005

INTERNATIONAL SEARCH REPORT  
(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference AP1012PCT	<b>FOR FURTHER ACTION</b>  see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/CA2004/001552	International filing date ( <i>day/month/year</i> ) 23 August 2004 (23-08-2004)	(Earliest) Priority date ( <i>day/month/year</i> ) 15 October 2003 (15-10-2003)
Applicant EXFO ELECTRO-OPTICAL ENGINEERING INC ET AL		
This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.		
This international search report consists of a total of <u>8</u> sheets.		
<p><input checked="" type="checkbox"/> It is also accompanied by a copy of each prior art document cited in this report.</p> <p>1. Basis of the report</p> <p>a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> [.] the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).</p> <p>b. <input type="checkbox"/> [.] With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.</p> <p>2. <input type="checkbox"/> [.] Certain claims were found unsearchable (See Box II).</p> <p>3. <input type="checkbox"/> [.] Unity of invention is lacking (See Box III).</p> <p>4. With regard to the title.</p> <p><input checked="" type="checkbox"/> [X] the text is approved as submitted by the applicant.</p> <p><input type="checkbox"/> [.] the text has been established by this Authority to read as follows :</p> <p> </p> <p> </p> <p>5. With regard to the abstract.</p> <p><input checked="" type="checkbox"/> [x] the text is approved as submitted by the applicant.</p> <p><input type="checkbox"/> [.] the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.</p> <p>6. With regard to the drawings,</p> <p>a. The figure of the drawings to be published with the abstract is Figure No. 2</p> <p><input type="checkbox"/> [.] as suggested by the applicant.</p> <p><input checked="" type="checkbox"/> [x] As selected by this authority, because the applicant failed to suggest a figure.</p> <p><input type="checkbox"/> [.] As selected by this Authority, because this figure better characterizes the invention.</p> <p>b. <input type="checkbox"/> [.] None of the figures is to be published with the abstract.</p>		

**INTERNATIONAL SEARCH REPORT**International application No.  
PCT/CA2004/001552**Box No. I****Nucleotide and/or amino acid sequence(s) (Continuation of item 1.b of the first sheet)**

1. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, the international search was carried out on the basis of:
  - a. type of material
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material
    - in written format
    - in computer readable form
  - c. time of filing/furnishing
    - contained in the international application as filed
    - filed together with the international application in computer readable form
    - furnished subsequently to this Authority for the purposes of search
2.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
3. Additional comments:

**INTERNATIONAL SEARCH REPORT**International application No.  
PCT/CA2004/001552**Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)**

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons :

1.  Claims Nos. :  
because they relate to subject matter not required to be searched by this Authority; namely:
  
2.  Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically :
  
3.  Claims Nos. :  
because they are dependant claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box III Observation where unity of invention is lacking (Continuation of item 3 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows :

1.  As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos. :
  
4.  No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos. :

**Remark on Protest**

- The additional search fees were accompanied by the applicant's protest.  
 No protest accompanied the payment of additional search fees.

**INTERNATIONAL SEARCH REPORT**

International application No.  
PCT/CA2004/001552

**Box IV**

**Text of the abstract (Continuation of item 5 of first sheet)**

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/CA2004/001552A. CLASSIFICATION OF SUBJECT MATTER  
H04B-10/08, H04B-17/00

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
H04B-10/08, H04B-17/00, G01N with keywords

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base, and, where practicable, search terms used)  
Wpil, Delphion, Pluspat, IEEE explore Canadian patent database (optical, measure, monitoring, pon, signal, port, coupler, splitter)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US6,476,919 (Mori et al.) 5 November 2002 Col 14 line 17-line 45 Figure 16 and 19	1-5,9-11,12-16 and 20-23
Y	WO01/33746A2 (Ramaswami et al.) 10 May 2001 Figure 19 page 36 line 13-page41 line 2	1-5,9-11,12-16 and 20-23
Y	US6,396,575 (Holland) 28 May 2002 Figure 1 Col 3 line 10 -col 4 line 34	1-5,9-11,12-16 and 20-23
A	EP0786878 (Cohen et al.) 30 July 1997 Whole document	1-23

Further documents are listed in the continuation of Box C.

Patent family members are listed in annex.

* Special categories of cited documents :	
"A"	document defining the general state of the art which is not considered to be of particular relevance
"E"	earlier application or patent but published on or after the international filing date
"L"	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O"	document referring to an oral disclosure, use, exhibition or other means
"P"	document published prior to the international filing date but later than the priority date claimed
"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"&"	document member of the same patent family

Date of the actual completion of the international-type search  
19 November 2004 (19-11-2004)Date of mailing of the international-type search report  
03 December 2004 (03-12-2004)Name and mailing address of the ISA/  
Commissioner of Patents  
Canadian Patent Office - PCT  
Ottawa/Gatineau K1A 0C9  
Facsimile No. 1-819-953-9358Authorized officer  
Claude Mathieu (819) 997-2163

**INTERNATIONAL SEARCH REPORT**International application No.  
PCT/CA2004/001552**C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.

**INTERNATIONAL SEARCH REPORT**  
Information on patent family members

International application No.  
/CA2004/001552

Patent Document Cited in Search Report	Publication Date	Patent Family Member(s)	Publication Date
US6476919	05-11-2002	JP3457548B2 B2 US6476919 B1	20-10-2003 05-11-2002
WO0133746	10-05-2001	AU1360601 A AU3071901 A AU3262201 A AU3634301 A AU3641001 A AU4302201 A CA2389527 A1 CA2389589 A1 CA2389721 A1 CA2389735 A1 CA2389758 A1 CA2389948 A1 EP1226738 A2 EP1228588 A2 EP1228592 A2 EP1228660 A1 EP1228661 A2 EP1228662 A2 US6571030 B1 US6597826 B1 US6650803 B1 US6792174 B1 US6813407 B2 US2004037553 A1 WO0133746 A2 WO0133895 A2 WO0133896 A1 WO0133897 A2 WO0133898 A2 WO0139413 A2	14-05-2001 14-05-2001 14-05-2001 14-05-2001 14-05-2001 04-06-2001 10-05-2001 31-05-2001 10-05-2001 10-05-2001 10-05-2001 10-05-2001 31-07-2002 07-08-2002 07-08-2002 07-08-2002 07-08-2002 07-08-2002 27-05-2003 22-07-2003 18-11-2003 14-09-2004 02-11-2004 26-02-2004 10-05-2001 10-05-2001 10-05-2001 10-05-2001 10-05-2001 31-05-2001
US6396575	28-05-2002	US6396575 B1	28-05-2002
EP0786878	30-07-1997	DE69222273D D1 DE69222273T T2 DE69230920D D1 DE69230920T T2 EP0546707 A2 EP0786878 A2 JP2695586B2 B2 USRE36471E E USS285305 A USS321541 A	23-10-1997 15-01-1998 18-05-2000 19-07-2001 16-06-1993 30-07-1997 24-12-1997 28-12-1999 08-02-1994 14-06-1994